

Department of Energy

§ 429.8

§ 429.5 Imported products.

(a) Any person importing any covered product or covered equipment into the United States shall comply with the provisions of this part, and parts 430 and 431, and is subject to the remedies of this part.

(b) Any covered product or covered equipment offered for importation in violation of this part, or part 430 or 431, shall be refused admission into the customs territory of the United States under rules issued by the U.S. Customs and Border Protection (CBP) and subject to further remedies as provided by law, except that CBP may, by such rules, authorize the importation of such covered product or covered equipment upon such terms and conditions (including the furnishing of a bond) as may appear to CBP appropriate to ensure that such covered product or covered equipment will not violate this part, or part 430 or 431, or will be exported or abandoned to the United States.

§ 429.6 Exported products.

This part, and parts 430 and 431, shall not apply to any covered product or covered equipment if:

(a) Such covered product or covered equipment is manufactured, sold, or held for sale for export from the United States or is imported for export;

(b) Such covered product or covered equipment or any container in which it is enclosed, when distributed in commerce, bears a stamp or label stating “NOT FOR SALE FOR USE IN THE UNITED STATES”; and

(c) Such product is, in fact, not distributed in commerce for use in the United States.

§ 429.7 Confidentiality.

(a) The following records are not exempt from public disclosure: The brand name, and applicable model number(s), and the energy or water rating submitted by manufacturers to DOE pursuant to § 429.19(b)(13).

(b) Pursuant to the provisions of 10 CFR 1004.11(e), any person submitting information or data which the person believes to be confidential and exempt by law from public disclosure should—at the time of submission—submit:

(1) One complete copy, and one copy from which the information believed to be confidential has been deleted.

(2) A request for confidentiality containing the submitter's views on the reasons for withholding the information from disclosure, including:

(i) A description of the items sought to be withheld from public disclosure,

(ii) Whether and why such items are customarily treated as confidential within the industry,

(iii) Whether the information is generally known by or available from other sources,

(iv) Whether the information has previously been made available to others without obligation concerning its confidentiality,

(v) An explanation of the competitive injury to the submitting person which would result from public disclosure,

(vi) A date upon which such information might lose its confidential nature due to the passage of time, and

(vii) Why disclosure of the information would be contrary to the public interest.

(c) In accordance with the procedures established in 10 CFR 1004.11(e), DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

§ 429.8 Subpoena.

For purposes of carrying out parts 429, 430, and 431, the General Counsel (or delegee), may sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, records, papers, and other documents, and administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpoena served, upon any persons subject to parts 429, 430, or 431, the General Counsel (or delegee) may seek an order from the District Court of the United States for any District in which such person is found or resides or transacts business requiring such person to appear and give testimony, or to appear and produce documents. Failure to obey such order is